

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ANTOINE DESHAWN MILLER,

Movant,

v.

CIVIL ACTION NO. 2:08-00813
(Criminal Action No. 2:04-00096-02)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

By Standing Order entered on August 1, 2006, and filed in this case on June 6, 2008, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of Proposed Findings and Recommendation ("PF&R"). (Doc. No. 163.) Magistrate Judge Stanley submitted her PF&R on August 18, 2008. (Doc. No. 172.) In that PF&R, the magistrate judge recommended that this court deny movant's § 2255 Motion and dismiss this matter from the court's active docket. (Id. at 3.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de

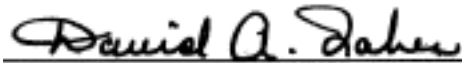
novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

Having reviewed the PF&R filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** movant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. No. 161.); and **DISMISSES** this matter from the court's active docket.

The Clerk is directed to remove this matter from the court's active docket, and to forward a copy of this written Memorandum Opinion and Order to counsel of record and to the movant, *pro se*.

It is **SO ORDERED** this 9th day of September, 2008.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
United States District Judge